



**State of Arizona**

**Janice K. Brewer**  
Governor

**Office of the Governor**  
1700 West Washington Street, Phoenix, AZ 85007

**Main Phone: 602-542-4331**  
**Facsimile: 602-542-7601**

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**CONTACT:** Tasya Peterson  
(602) 542-1361  
[tpeterson@az.gov](mailto:tpeterson@az.gov)

## **Governor Jan Brewer, Attorney General Horne File Response to Feds' Motion to Dismiss Border Security Suit**

### *State Re-asserts Federal Failure to Follow the Law and Constitution*

PHOENIX – Governor Jan Brewer and Attorney General Tom Horne have filed Arizona's response to the federal government's request that a court dismiss Arizona's Counterclaims in the SB 1070 litigation pending in the United States District Court of Arizona.

"The federal government can no longer sit idly by and ignore the illegal immigration problem along our southern border," said Governor Brewer. "Today's filing is another example of Arizona's steadfast commitment to hold the federal government accountable. Arizona has a legitimate claim against the federal government and will continue to pursue a remedy through the courts."

In its filing, Arizona asks that the federal Motion to Dismiss be denied because the State has established standing and injury as a result of the Government's failure to secure the nation's border with Mexico.

In February, the State of Arizona filed a counterclaim against the federal government for failing to uphold its Constitutional and statutory obligations in five significant ways. Arizona's Counterclaim asserts that the federal government has:

- Failed to obtain "operation control" of the border as required by the Secure Fence Act of 2006 and the Appropriations Act of 2008;
- Failed to protect Arizona from economic and physical harms associated with illegal immigration;
- Failed to enforce the immigration laws passed by Congress, including registration, smuggling, and harboring statutes;
- Failed to properly reimburse Arizona for its costs of incarcerating illegal aliens under the State Criminal Alien Assistance Program (SCAAP), and;
- Sought to pre-empt Arizona's constitutionally-reserved right to protect the health, safety and welfare of its citizens.

The unchecked flow of illegal aliens into Arizona as a result of the Government's lack of border security has caused injury to the State of Arizona, forcing the diversion of state resources and placing Arizona residents

at risk. Arizona remains the gateway to illegal immigration in this country and the single largest entryway for illegal aliens.

“The federal government has few Constitutionally-mandated responsibilities. Securing the international border is one of them. In this regard, they have failed,” said Attorney General Horne. “The people of Arizona continue to pay for that failure. Because of that failure, Arizona has standing in this court case, despite the objections contained in the Motion to Dismiss. It would be far simpler for the Obama administration to drop its legal battle against the people of this state and send the personnel and equipment needed to secure the border.”

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